

REMARKS

The present Amendment responds to the Office Action dated April 24, 2003. Claims 1 - 19 are pending in the application. Concurrently filed herewith is a petition for a two-month extension of the period in which to respond, to expire September 26, 2003.

Applicant's Novel Fence And Method

The present invention as recited in independent claims 1, 12, and 19 (amended) provides a picket and rail fence panel having parallel first and second rails and a plurality of inner pickets and two opposing outer pickets, the fence panel readily rackable on-site to conform a slope of the fence panel to a slope of a ground surface to which the fence panel is installed without the problem of the first and second rails rolling away from the pickets. The claimed invention accordingly overcomes the problem of rolling rails during racking. "Rolling" is caused by the rails moving away from the unwelded side and thereby partially separate from the pickets (page 4, line 1 - 5). A view of a panel with a "rolled-out" rail is attached.

The novel structure of the present invention overcomes the problem of rolling. The structure that accomplishes this is set forth in the claims (amended) in which the opposing distal end portions of a rail attach with fasteners to the outer pickets on an edge surface that opposes the edge surface to which the inner pickets attach to that respective rail. The opposing attachments of outer and inner pickets to the particular rail prevent the rail from rotating about its longitudinal axis away from the pickets during racking.

Hinkle '921 does not experience the problem of rolling of the rails. *Hinkle '921* accomplishes this with a structure more complicated than that of the fence panel of claims 1, 12, and a method

different from the method set forth in claim 19. The annotated figure by the examiner is noted. *Hinkle* '921 provides a bottom rail 15, a top rail 17 and a plurality of pickets 17. The bottom rail and top rail are channels with a web 22, 25 and side flanges 23, 26. The webs 22, 25 each define a plurality of openings 24, 27. (Col. 2, lines 25 - 28, 31 - 35). The pickets 17 extend into the rails through the openings 24, 27. (Col. 2, lines 42 - 43). Welding material forms weld beads 28 on a first edge between the first rail and the pickets and on a second edge between the second rail and the pickets. When the fence panel is racked to conform to the slope of the ground, the side flanges 23, 26 in the first and second rails defining the openings prevent the rails from rolling outwardly about a longitudinal axis of the rails. The pickets in the openings block the rails from rolling.

The present invention as set forth in claims 1, 12, and 19 eliminate the need to form the openings in the webs and to place the pickets in the openings as is described by *Hinkle* '921. Rather, the pickets attach to the sides of the spaced-apart rails, but in a structure particularly claimed with the inner pickets attached to a first edge of a respective rail and the outer pickets attached to a second edge of the respective rail opposing the first edge. The inner pickets thus attach to the rail on a side edge of that rail opposite the side edge to which the outer pickets attach. This structure prevents the rails in the fence panel from rolling during the racking operation. The claimed structure differs from *Hinkle* '921 and differs from the annotated Fig. 6 in which the inner pickets attach to the respective rail on the same side edge as do the outer pickets.

Amendments To Specification

The amendments to the specification conform the summary of the invention to the amended claims and clarify two references to the drawings Figs. 3 and 6.

In summary, it is believed that the present amendment responds fully to the issues outstanding in this application and that claims 1 - 19 (amended) are in condition for allowance, and same is earnestly solicited.

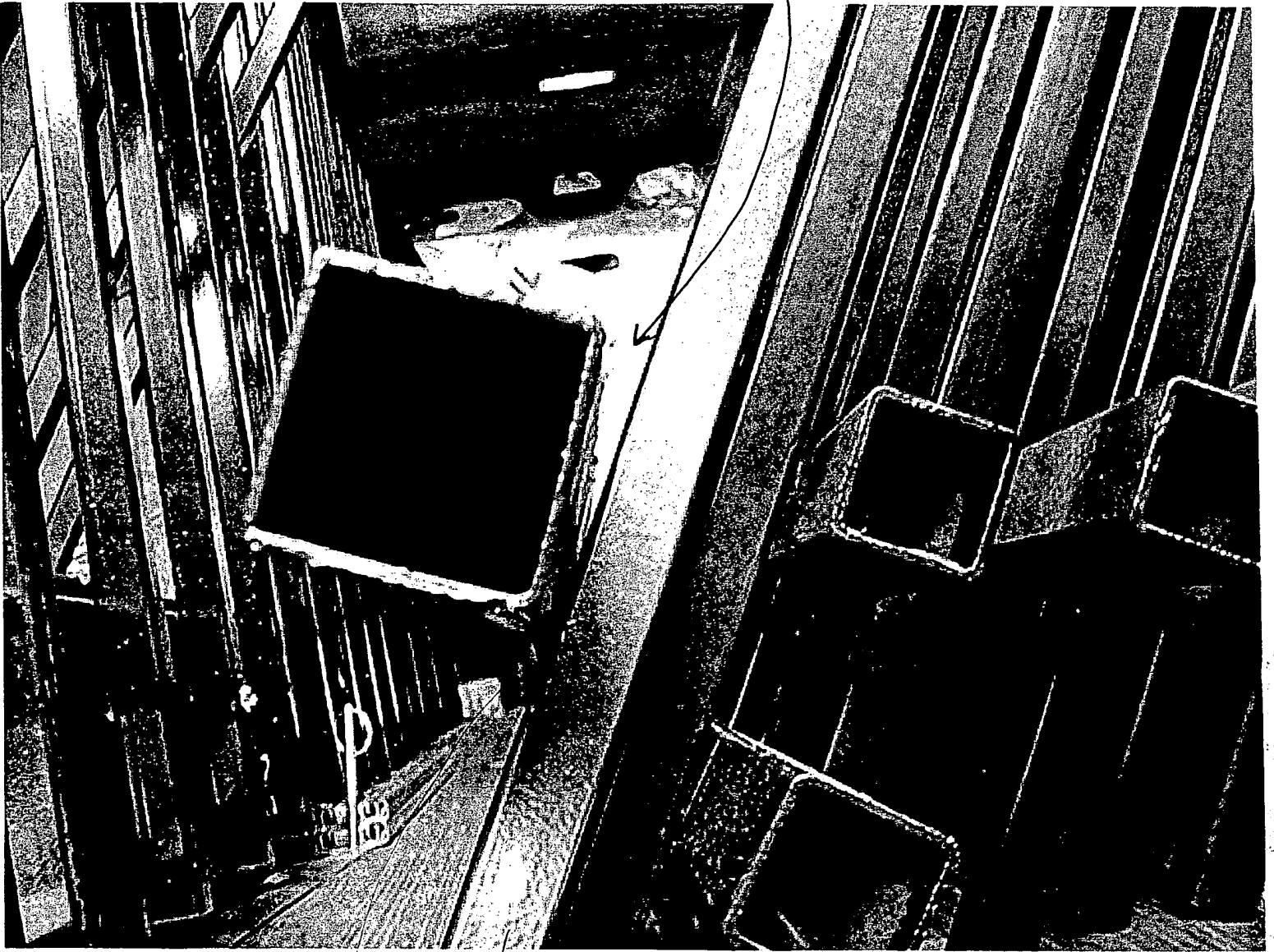
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Carl M. Davis II', with a stylized flourish at the end.

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Rollout



bottom
weld

picket